

FOLEY LARDNER
ATTORNEYS AT LAW

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007 5143
202 672 5300 TEL
202 672 5399 FAX
www.foley.com

February 26, 2004

VIA HAND DELIVERY

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 5409

Dear Mr. Jordan:

Mr. Grover Norquist, as registered agent for Americans for Tax Reform ("ATR"), has received the Complaint in Matter Under Review ("MUR") 5409 and has forwarded it to me. As counsel for ATR, please find enclosed the Statement of Designation of Counsel executed by my client in MUR 5409.

The complaint is based on a newspaper article and a subsequent news report restating the news article. Both the *Washington Post* article and the follow-up report erroneously characterized documents provided to Mr. Ken Mehlman by ATR as 'valuable'. The documents furnished to Mr. Mehlman were *not* proprietary, confidential lists. Rather, the documents furnished included lists of state contacts for state coalition meetings and the key contact person for each state is listed on ATR's website: www.atr.org.

Additionally, documents were included which were state reports discussing the issues and activities of various grassroots organizations in the various states. Such information is publicly available and no doubt known to politically active individuals in each state, including especially the paid staff and volunteers in the Bush-Cheney campaign in the states. In most (if not all) cases, representatives of the Bush-Cheney '04 campaign are participants in any state coalitions, attend meetings that may be held and are paid by Bush Cheney '04, Inc. to be informed about issues and activities in the states.

The provision of the Federal Election Campaign Act of 1971, as amended ("the Act") cited in the complaint relate to 2 U.S.C. §431(8)(A) and the prohibition on furnishing "anything of value" to a campaign "for the purpose of influencing any election for federal office". The documents referenced in the complaint provide information about state issues, state activities and state leaders of grassroots organizations. The list of leaders is publicly available on the ATR website and the rest of the information concerned itself with activities on issues within various states.

In summary, the newspaper articles are erroneous. No 'proprietary' information or lists formed the basis of the documents and reports given to Mr. Mehlman. The key information

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 FEB 26 P 1:32
2004 FEB 26 P 2:11
WRITER'S DIRECTOR
202 295 4081
cmitchell@foley.com
CLIENT/MATTER NUMBER
045771 0101

BRUSSELS
CHICAGO
DENVER

DETROIT
JACKSONVILLE
LOS ANGELES
MADISON

MILWAUKEE
ORLANDO
SACRAMENTO

SAN DIEGO
SAN DIEGO/DEL MAR
SAN FRANCISCO
TALLAHASSEE

TAMPA
TOKYO
WASHINGTON, D.C.
WEST PALM BEACH

002 1156760 1

Mr. Jeff S. Jordan
February 26, 2004
Page 2

regarding contacts in each state is posted on the ATR website for all to see and as such, constitutes no 'thing of value' within the meaning of 2 U.S.C. §431(8)(A).

Accordingly, the complaint should be dismissed.

Please contact me at (202) 295-4081 if you have further questions or need additional information after reviewing the ATR website.

Sincerely,



Cleta Mitchell, Esq.
Attorney at Law

cc: Mr. Grover Norquist, President
Americans for Tax Reform

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent.

MUR 5409

NAME OF COUNSEL: Cleta Mitchell

FIRM: Foley & Lardner

ADDRESS: 3000 K Street, N.W., Suite 500

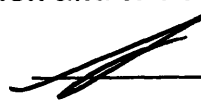
Washington, D.C. 20007

TELEPHONE: (202) 295-4081

FAX: (202) 672-5399

RECEIVED
FEC MAIL
OPERATIONS CENTER
2004 FEB 26 P 1:33

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.


Grover Norquist
Print Name

Feb. 15, 2004

Date


Signature

President

Title

RESPONDENT'S NAME: Americans for Tax Reform

ADDRESS: 1920 L Street, N.W., Suite 200

Washington, D.C. 20036

TELEPHONE: HOME()

BUSINESS(202) 785-0266

FAX (202) 785-0261